

REMARKS

Claims 1-4 and 10-14 are pending. Claims 5-9 and 15-20 have been withdrawn from consideration. Claims 1 and 11 are currently amended. Support for amendment of Claim 1 is found on page 3, lines 1-2, and page 4, lines 9-11 of the specification. Support for amendment of Claim 11 is found on page 6, line 11 of the specification. Reconsideration of the application is requested.

§ 112 Rejections

Claims 1-4 and 10-14 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner objected to the recitation in Claim 1 of “releasably stored dosage” in connection with the pharmaceutically active agent and “substantially” in defining the continuous nature of the inorganic barrier layer. Further, the Examiner indicated that recitation of “less than about” in Claim 11 renders that claim indefinite.

Amended Claim 1 no longer recites “releasably stored dosage” objected to by the Examiner.

As for recitation of the inorganic barrier layer being “substantially” continuous, the Examiner’s attention is drawn to page 5, lines 16-23 of the specification where the meaning of “substantially continuous” is set forth in terms sufficient to apprise one of ordinary skill of the scope of the invention.

Amended claim 11 no longer recites “about” and further requires the inorganic barrier layer to be greater than 10 nm in thickness. As such, amended Claim 11 obviates the Examiner’s rejection as being indefinite.

In summary, Applicant submits that the rejection of Claims 1-4 and 10-14 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

§ 103 Rejections

Claims 1-4 and 10-14 are rejected under 35 USC § 103(a) as being unpatentable over Pilgard et al. (US PG pub. 20050019383). This rejection is in error for the reasons which follow.

Claim 1 requires a translucent inorganic barrier layer. Examples of suitable materials for this layer are found on page 5, line 30 to page 6, line 8 of the specification. Contrary to the Examiner's apparent assertion, Pilgard et al. nowhere teaches or suggests use of a material which would provide a translucent inorganic barrier layer. All Pilgard et al. discloses by way of specific materials are metal foils such as aluminum or organic polymer films. The metal foils disclosed will not be translucent and the polymer films disclosed are organic. Hence, it can not be said that Pilgard et al. renders the invention of Claim 1 obvious.

Claims 2-4 and 10-14 depend directly or indirectly from Claim 1 and are allowable over Pilgard et al. for the same reason as Claim 1. Moreover, each of these dependent claims recites additional features not recited in Claim 1 and therefore are even further removed from the teaching of Pilgard et al. than the invention of Claim 1.

In summary, the rejection of claims 1-4 and 10-14 under 35 USC § 103(a) as being unpatentable over Pilgard et al. (US PG pub. 20050019383) has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration and withdrawal of the various grounds for rejection are respectfully requested in view of the above amendment and comments.

Respectfully submitted,

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